



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
DELAWARE HARNESS RACING COMMISSION
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Minutes of the Rule Committee Meeting Held June 22, 2010

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The Rules Committee met for a meeting at the Department of Agriculture
in Dover, Delaware at 10:15 AM

Committee Members Present

Beth Steele, DHRC Chairman	Charles Lockhart, VP, Horse Racing, D. Downs
James Boese, General Manager, HRI	Salvatore DiMario, Executive Director, DSOA
Karen Craft, Facilities Manager, HRI	George Staats, Commissioner
John Hensley, Sr. Dir., Horse Racing, D. Downs	Jo-Ann Price, DHRC Paralegal

Others Present

Scott Egger, DHRC Presiding Judge	Dr. Jay Baldwin, Lasix Veterinarian
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CALL TO ORDER/WELCOME

Chairman Steele called the meeting to order at 10:26 AM and welcomed everyone.

APPROVAL OF MINUTES

Commissioner Staats moved to approve the May 4, 2010 Minutes as written. Mr. DiMario seconded, and the Motion passed unanimously.

OLD BUSINESS

None offered.

NEW BUSINESS

Rule 5.1.22 (Conflict of interest)

Mr. Lockhart clarified that the proposed language in the folders was actually passed, and Mr. Gallagher was to investigate what other states were doing. It was suggested to postpone the discussion until feedback is received from him. Mr. DiMario commented the current rule

is fine the way it is; Mr. Boese disagreed; because an Owner/ Trainer/ Driver (O/T/D) drove a horse that he and his wife trained (and his wife owned) in a race. Mr. Egger asked if the O/T/D could drive against his wife or not, as according to our current rule, he would not be able to drive those horses. Chairman Steele asked "How are we going to make it work?" Further discussion included the use of coupled entries and whose responsibility it might be to inform the judges of trainer and stable employees that might have conflicts (Mr. Egger asked the judges be informed *before* rather than *after* the races.) Mr. Hensley said the Race Office is usually aware of most conflicts, which are usually

taken care of before entries are accepted. Mr. Lockhart finalized by stating the actual issue is how many relationships there are in the barn area with trainers who are given horses to race. The betting public has been griping about it.

Rule 8.4.3.5.10 (Responsibility to pay for equine samples)

Chairman Steele initiated discussion on this issue by offering that, after a few years of confusion, she now understands how this rule should work. Mr. DiMario said the original test is the DHRC's responsibility to pay; the split samples are done at the licensee's request. Mr. Egger stated little more than half of the licensees exercise their option to do the splits. Further discussion

included: the past history of the rule where the tracks were reimbursed prior to the elimination of the State Steward position; expecting a licensee to pay for his own test, which could be construed as a Fifth Amendment issue (self-incrimination); the possibility of assessing a penalty after the fact, the industry's current drug testing procedures and the inherent frustration due to its inability to test for certain drugs; the current DHRC policy of not requiring fines be paid until the suspension is served; and considering the imposition of a penalty including the fee.

Rule 8.3.2/Penalty Discussion

Mr. DiMario felt Delaware's fines are high in proportion to most other states', even for medication violations. Mr. Egger disagreed, saying it depends on the class of drug. ARCI has gone to A, B, and C classes and most states don't do that. Our penalties are in black in white. Mr. DiMario said the rules should be guidelines, with the penalties left up to the officials. Mr. Egger said there should be no penalties in the rules at all. Dr. Scot Waterman's website has a list of all the penalties. Suspensions are not effective, because horsemen just put down someone else as a trainer and keep racing. Mr. DiMario said it's easier for

them to come up with the money than do the days. As long as the States are involved, there will be due process and people will have rights. The state should have one rep in the judge's stand, and the track should have one. Mr. Lockhart agreed that the penalties should be both - a fine and money and added the system's broken; we should look at ARCI model rules and review this. Chairman Steele suggested the committee meet again in the Fall to review penalties and bring us in line with ARCI. Mr. Egger is not in favor of uniformity. i.e., what works in Maine will not work in Delaware. The Chair directed the Paralegal to rough out rules for discussion minus the penalty recommendations at the end.

Financial Irresponsibility Issues

Chairman Steele reported horsemen have written bad checks and run up bills against the Amish, because they will not prosecute. Mr. Gallagher has been acting as Collections Officer. Mr. Egger calls them; usually they'll pay if it's something small.

Steroids rule discussion Mr. Gallagher couldn't be present, but contributed the latest steroids information from the Pennsylvania State Horse Racing Commission for discussion. Chairman

Steele directed him to present a proposed steroid rule at the August DHRC meeting and be able to answer questions re: costs and use assessments for fines. Dr. Baldwin said he was not the expert, but since Drs. Whiston and Peters couldn't be here, he came. Testing via blood tests is now pretty well established; Joe Strug confirmed that blood testing is solid and urine testing is no good. Steroids will stay in the horse's system for 40-50 days. Pennsylvania still does voluntary testing to make sure it's not in their systems. Mr. Gallagher will be asked whether any DHRC samples were sent to Pennsylvania.

Misc Rule Discussion Mr. Lockhart would like ARCI's rule. Mr. Boese asked how to get DHRC rules. Ms. Price will send out an email instructing everyone how to access the rules via internet.

UPCOMING EVENTS

➤ **Regular Meetings**

July - no meeting

Aug. 10 - H'ton Raceway

Sep. 14 - H'ton Raceway

➤ **Rules Committee Meeting**

Oct. 5 - Dept. of Ag

ADJOURNMENT

At 11:57 AM, Mr. DiMario moved to adjourn, Ms. Craft seconded, and the Motion passed unanimously.

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